IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE WESTERN DIVISION

MARIO AL MORENO EL-BEY,	(
Plaintiff,	į
vs.	(No. 13-2252-STA-cgc
TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT, BENEFIT PAYMENT CONTROL and STATE OF TENNESSEE, Defendants.	

ORDER DENYING MOTIONS FOR LEAVE TO PROCEED IN FORMA PAUPERIS REPORT AND RECOMMENDATION

On April 23, 2013, Plaintiff-Mario Al Moreno El-Bey, a resident of Memphis, Tennessee, filed a Complaint, accompanied by a motion seeking leave to proceed *in forma pauperis*. (Docket Entries ("D.E.") 1 & 2.) The motion to proceed *in forma pauperis* did not adequately document monthly income, assets, and financial obligations and was insufficient to permit the Court to conclude that Moreno El-Bey is indigent and unable to pay the filing fee.

In an order issued on May 28, 2013, the Court ordered the Plaintiff to file a properly completed application to proceed *in forma pauperis* or pay the appropriate civil filing fee within thirty (30) days of the entry of the order. (D.E. # 3) Plaintiff has not complied with that order and the time set for compliance has expired. Therefore, the motions at docket entries 2 and 5 are DENIED.

The May 28, 2013 Order provided, in pertinent part, that "[f]ailure to comply with this order in a timely manner will result in dismissal of this action... pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute." *Id.* See also, *Taman v. Chertoff, et al*, 07-cv-2247-SHM-dky, Order of

Dismissal (D.E. # 4) April 30, 2008. It is therefore RECOMMNDED that Plaintiff's complaint be DISMISSED WITHOUT PREJUDICE, pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute.

Signed this 6th day of November, 2013.

s/ Charmiane G. Claxton CHARMIANE G. CLAXTON UNITED STATES MAGISTRATE JUDGE

ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT MUST BE FILED WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT. 28 U.S.C. § 636(b)(1)(C). FAILURE TO FILE SAID OBJECTIONS OR EXCEPTIONS WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.